

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CASE NO.
AR10004-AC

VIOLATOR

Tim Brooks

ADDRESS (Street, City, State, Zip Code)

PO Box 8500
Hot Springs, AR 71910

OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS



The Department of Agriculture has evidence that on or about June 4, 2009, July 17, 2009, and September 1, 2009, you or your organization committed the following violation of Federal Regulations:

See Attached Pages
Page 1 of 2

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title)

Sarah L. Conant
Chief, Animal Health and Welfare Enforcement Branch
Investigative and Enforcement Services

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

SIGNATURE

Sarah L. Conant

DATE ISSUED

12/27/2010

TELEPHONE NO.

(301) 734-8684

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

Entered "I'm Benny Too," for the purpose of showing or exhibiting, in the 41st Annual National Walking Horse Trainers Show where the horse was found sore; entered "I'm Benny Too," for the purpose of showing or exhibiting, in the PC Splash Classic where the horse was found sore; entered "Matador," for the purpose of showing or exhibiting, in the 2009 Tennessee Walking Horse National Celebration where the horse was found sore.

The Horse Protection Act prohibits the following conduct:

June 4, 2009

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse." Tim Brooks entered "I'm Benny Too," for the purpose of showing or exhibiting, in the 41st Annual National Walking Horse Trainers Show where the horse was found unilaterally sore on its left foreleg. Brooks, the owner of the horse, allowed it to be entered while sore.

9 CFR § 11.2(a) – Prohibitions concerning exhibitors.

General prohibitions. Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.

July 17, 2009

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse." Tim Brooks entered "I'm Benny Too," for the purpose of showing or exhibiting, in the PC Splash Classic where the horse was found unilaterally sore on its right foreleg. Brooks, the owner of the horse, allowed it to be entered while sore.

9 CFR § 11.2(a) – Prohibitions concerning exhibitors.

General prohibitions. Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.

September 1, 2009

15 U.S.C. § 1824(2) – Unlawful acts

"The (A) showing or exhibiting, in any horse show or horse exhibition, of any horse which is sore, (B) entering for the purpose of showing or exhibiting in any horse show or horse exhibition, any horse which is sore, (C) selling, auctioning, or offering for sale, in any horse sale or auction, any horse which is sore, and (D) allowing any activity described in clause (A), (B), or (C) respecting a horse which is sore by the owner of such horse." Tim Brooks, the owner of "Matador," allowed the horse to be entered in the 2009 Tennessee Walking Horse National Celebration where the Veterinary Medical Officer identified a foreign substance on the horse's posterior pasterns.

9 CFR § 11.2(a) – Prohibitions concerning exhibitors.

General prohibitions. Notwithstanding the provisions of paragraph (b) of this section, no chain, boot, roller, collar, action device, nor any other device, method, practice, or substance shall be used with respect to any horse at any horse show, horse exhibition, or horse sale or auction if such use causes or can reasonably be expected to cause such horse to be sore.